

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

GARY SCOTT BROWN,
Plaintiff,

v.

MARTIN O'MALLEY,
COMMISSIONER OF SOCIAL
SECURITY,¹
Defendant.

No. 1:23-cv-1168-WBS-GSA

ORDER

(ECF Nos. 13, 18, 21)

Plaintiff Gary Scott Brown initiated this action seeking judicial review of a final decision of the Commissioner of Social Security denying his application for disability insurance benefits pursuant to Title II of the Social Security Act. (ECF No. 1). The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 3, 2024, the Magistrate Judge filed findings and recommendations recommending that plaintiff's motion for summary judgment be denied, that defendant's cross-motion be granted, and that the Commissioner's final decision be affirmed. (ECF No. 21). The findings and recommendations advised the parties that objections were due within fourteen days. On October 16, 2024, plaintiff filed objections to the findings and recommendations, which the

¹ Martin O'Malley, who has been appointed Commissioner of Social Security, is substituted as the defendant in this case. See Fed. R. Civ. P. 25(d)

1 court has considered. (ECF No. 22). On October 28, 2024, defendant filed a response to
2 plaintiff's objections, which the court has also considered. (ECF No. 23).

3 The court reviews de novo those portions of the proposed findings of fact to which an
4 objection has been made. 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp v. Commodore*
5 *Business Machines*, 656 F.2d 1309, 1313 (9th Cir. 1981); *see also Dawson v. Marshall*, 561 F.3d
6 930, 932 (9th Cir. 2009). As to any portion of the proposed findings of fact to which no objection
7 has been made, the court assumes its correctness and decides the matter on the applicable law.
8 *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The Magistrate Judge's
9 conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d
10 452, 454 (9th Cir. 1983)

11 After reviewing the record, including plaintiff's objections and defendant's response
12 thereto, the court finds the findings and recommendations to be supported by the record and by
13 proper analysis.

14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. The findings and recommendations filed October 3, 2024 (ECF No. 21)
16 are ADOPTED IN FULL;
- 17 2. Plaintiff's motion for summary judgment (ECF No. 13) is DENIED;
- 18 3. Defendant's cross-motion for summary judgment (ECF No. 18) is
19 GRANTED;
- 20 4. The Commissioner's final decision is AFFIRMED; and
- 21 5. The Clerk of Court is directed to enter judgment in favor of
22 defendant Commissioner of Social Security and against plaintiff.

23 Dated: November 19, 2024



24 WILLIAM B. SHUBB
25 UNITED STATES DISTRICT JUDGE
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